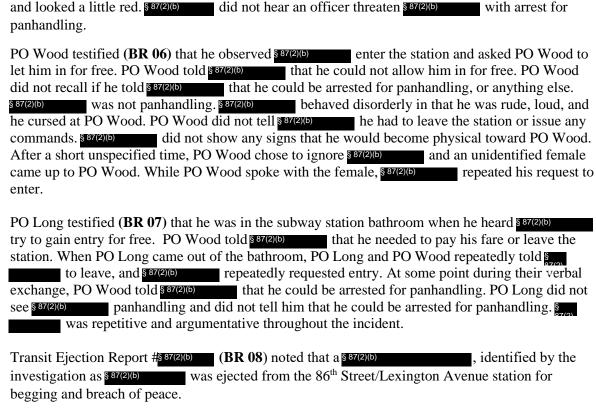
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	\square	Force	$\overline{\mathbf{V}}$	Discourt.		U.S.
Lily Kim		Squad #6	201909579		Abuse		O.L.	$\overline{\checkmark}$	Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	F	EO SOL
Saturday, 10/26/2019 3:00 AM		East 86th Street and Le	exington Avenue		19	4/	/26/2021	12	2/11/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCl	RB	
Sat, 10/26/2019 5:25 AM		IAB	Phone		Mon, 11/0	4/201	9 11:06 AM	M	
Complainant/Victim	Type	Home Addre	ess						
Witness(es) Home Address									
Subject Officer(s)	Shield	TaxID	Command						
1. POM Adonis Long	02881	936972	TB DT04						
2. POM Steven Wood	00577	947616	TB DT04						
Officer(s)	Allegation	on			Inve	estiga	ator Recor	nme	ndation
A.POM Steven Wood	Abuse: P	olice Officer Steven Wo	ood threatened to arr	est					
B.POM Adonis Long	Force: Police Officer Adonis Long used physical force against §87(2)(b)								
C.POM Adonis Long	Discourtesy: Police Officer Adonis Long spoke discourteously to § 87(2)(b)								
D.POM Adonis Long	Force: Police Officer Adonis Long used physical force against § 87(2)(b)								
E.POM Adonis Long	Force: Powith a ba	olice Officer Adonis Lonton.	ng struck § 87(2)(b)						

Case Summary

On October 26, 2019, § 37(2)(b) filed the following complaint with IAB under original log #2019-38991. On November 4, 2019, the CCRB received the complaint. On October 26, 2019, at approximately 3:00 a.m. §87(2)(b) was at the southbound 86th Street subway station turnstiles in Manhattan. He was drunk at the time, § 27(2)(5) did not have enough money for his subway fare and asked PO Steven Wood of Transit District 4 for help. PO Wood told him there were no free rides and that he could not help. PO Wood told \$87(2)(b) if he started panhandling, he would arrest him (Allegation A—Abuse of Authority,). Then PO Adonis Long of Transit District 4 entered through a service gate and to leave the subway station. § 87(2)(b) began to leave. PO Long pushed § in his chest (Allegation B—Force, §87(2)(9)). After PO Long pushed §87(2)(b) he asked if he was "fucking crazy, talking shit to a cop like that?" (Allegation C—Discourtesy, continued to back away from PO Long. PO Long punched on the left side of his face (Allegation D—Force, § 87(2)(9) continued to back away in the direction of the station's exit. When he reached the staircase PO Long hit § 87(2)(b) in his left temple with a baton (Allegation E—Force, § 87(2)(9) Long hit § 87(2)(b) and he fell. § 87(2)(b) got up and PO Long chased him out of the subway station and told him not to come back down. § 87(2)(5) called the police and an ambulance and . No arrests or summonses resulted from this was subsequently transported to § 87(2)(b) incident. MTA footage was obtained for this incident (BR 01-02). No BWC was obtained as the officers improperly did not turn on BWC. An allegation of Other Misconduct Noted was not added to this case as the Transit Bureau Investigation Unit already substantiated the failure to activate BWC for both officers in FI-2019-1139 (BR 03). **Findings and Recommendations** Allegation (A) Abuse of Authority: Police Officer Steven Wood threatened to arrest [307(2)(5)] In camera 12, video 6 of the MTA footage between 3:22 a.m. and 3:24 a.m., five individuals walk to the turnstiles from the opposite exit. (This allegation is also captured in BR 21 between 2:11 minute mark to 4:11 minute mark of the recording). testified (BR 04) that on October 26, 2019 at approximately 3:00 a.m., \$87(2)(6) was at the southbound 86th Street subway station turnstiles on his way home. §37(2)(b) PO Wood, who stood behind the turnstiles, if he could help him because he was short in subway fare. PO Wood told him that he could not. \$87(2)(b) asked the MTA clerk if he would let him in. PO Wood told \$87(2)(b) that if he started panhandling, he would arrest him. \$87(2)(b) admitted that he was intoxicated at the time and used profanity toward PO Wood. PO Wood did not issue any other instructions or make any other threats. An unidentified female interjected herself into in § 37(2)(b) s conversation with PO Wood, § 37(2)(b) told her to mind her business. PO Long exited the bathroom after the interaction with the female. a transit employee at the 86th Street subway station, provided a phone statement (BR 05). He observed \$87(2)(b) ask PO Wood for a free ride. PO Wood refused. \$87(2)(b) screamed and cursed at the officer. §87(2)(b) looked drunk or high because he was loud, angry



No person shall solicit, ask or beg in an aggressive manner in any public place, including transportation facilities. "Aggressive manner" shall mean: (a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to (i) fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in section ten of the penal law upon oneself or another, or (ii) otherwise be intimidated into giving money or other thing of value, or (iii) suffer unreasonable inconvenience, annoyance or alarm; (b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging; (c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or (d) Using violent or threatening gestures toward a person solicited. Any violation of the provisions of this section shall constitute a misdemeanor punishable by imprisonment for not more than sixteen days or by a fine not to exceed one hundred dollars, or by both, NYC Administrative Code 10-136 (BR 09).

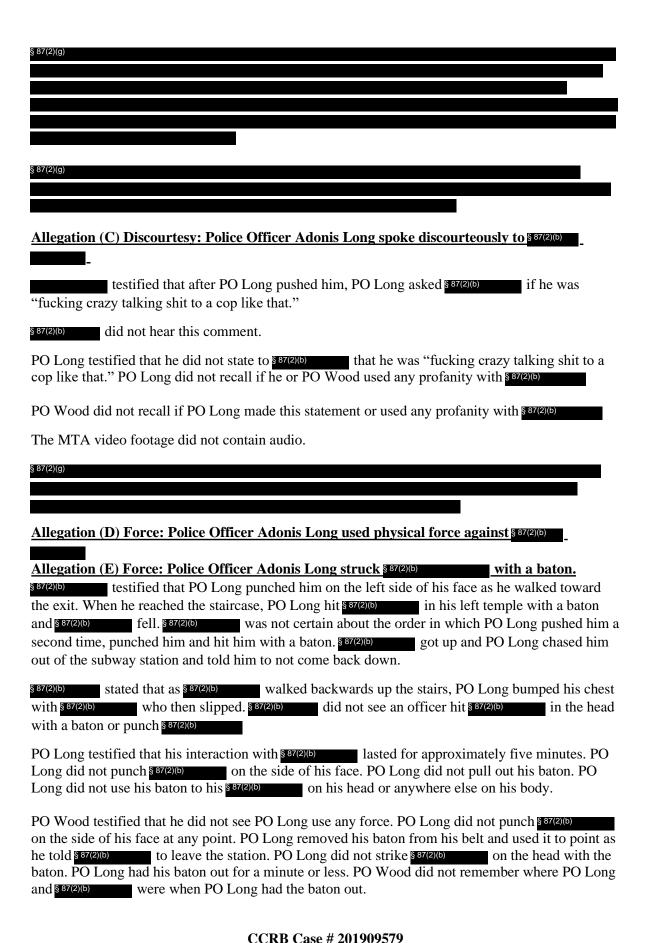
No person shall panhandle or beg upon any facility or conveyance, <u>MTA Rules of Conduct 1050.6</u> (b)(2) (BR 10).

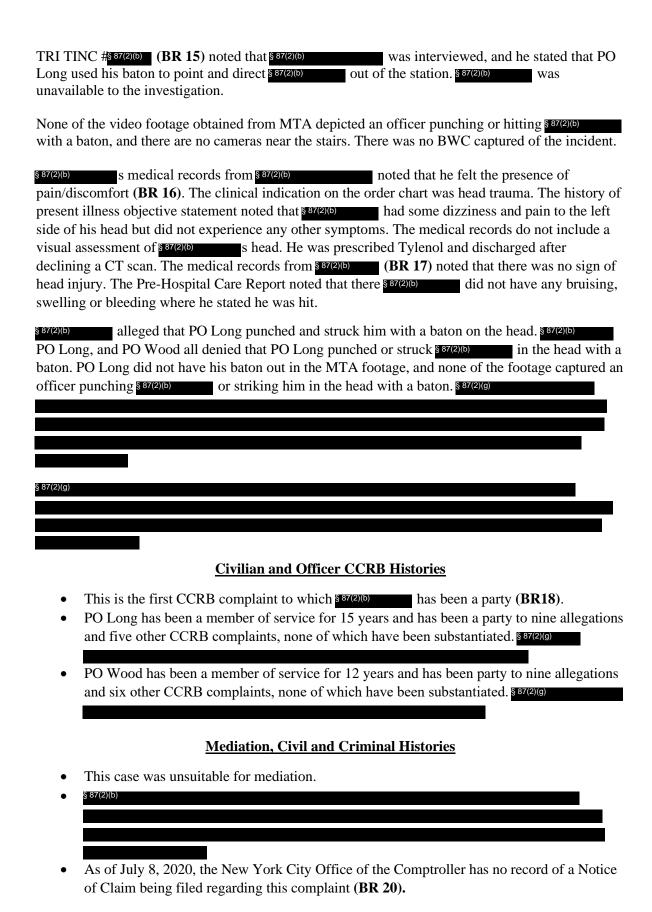
The defendants, members of service of the Suffolk Country Police Department, were enjoined from: (1) enforcing, or threatening or attempting to enforce, the now-repealed N.Y. Penal Law § 240.35(1) and (2) arresting, threatening or attempting to arrest, anyone for loitering, remaining, or wandering about for the purpose of begging. They were not enjoined from arresting individuals for violating other, valid sections of the Penal Law while panhandling, <u>Jefferson v. Rose</u>, 869 F. Supp. 2d 312, 2012 (**BR 12**).

Penal Code 140.05 (BR 13). PO Wood stated that \$87(2)(6) did not panhandle, and PO Long stated that he did not observe § 87(2)(b) panhandling. § 87(2)(9) However, it is undisputed that § 87(2)(b) requested free entry into the subway station, initially to the MTA clerk and then to PO Wood. § 87(2)(b) alleged that the threat of arrest occurred early in the interaction when he first made his request to PO Wood. § 87(2)(g) Allegation (B) Force: Police Officer Adonis Long used physical force against [887(2)(b)] In camera 12, video 6 of the MTA footage at 3:24 a.m., § 87(2)(b) takes large steps away from the turnstiles, toward the booth. As \$87(2)(b) continues to walk away past the booth, he says something over his shoulder to PO Long who follows one or two steps behind \$87(2)(b) PO Long pushes \$87(2)(b) from behind with both hands, out of the camera frame. PO Wood follows, a few steps behind them. (This allegation is also captured in BR 21 starting at the 5:00 minute mark of the recording)

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises,

testified that PO Long entered through a service gate and told him to leave the subway station. S87(2)(b) began to leave and then PO Long pushed him in his chest once or twice with both hands. S87(2)(b) continued to back away from PO Long. S87(2)(b) continued to back away in the direction of the subway station's exit.
stated that another officer, identified via investigation as PO Long, joined PO Wood and walked towards \$87(2)(b) PO Long told \$87(2)(b) that he "better get out of the station." Both officers went through the turnstiles and approached \$87(2)(b) and told him to leave the subway station. \$87(2)(b) slowly backed away while facing the officers. Initially \$87(2)(b) stated he saw an officer push \$87(2)(b) but then he clarified that the officer walked towards \$7(2)(c) with his arms in front of his own chest and told \$87(2)(b) to leave. They did not make physical contact at that point. As \$87(2)(b) walked backwards up the stairs, PO Long bumped his chest with \$87(2)(b) who then slipped.
PO Long testified that \$87(2)(b) repeatedly requested free entrance and was argumentative throughout the incident. PO Long and PO Wood likely told \$87(2)(b) to leave as many as twenty to thirty times during the five-minute interaction. \$87(2)(b) started to walk away from the turnstiles, but he would stop abruptly after taking a couple of steps backwards. To maintain distance and since \$87(2)(b) kept stopping abruptly, PO Long pushed \$87(2)(b) on the chest. PO Long also placed his hand on \$87(2)(b) s arm to direct him out of the station. PO Long was shown MTA surveillance footage. PO Long stated that at this point in the interaction, \$87(2)(b) still refused to leave, so PO Long pushed him out. PO Long explained that he pushed \$87(2)(b) because he stopped repeatedly. PO Long pushed \$87(2)(b) more than once but did not know exactly how many times he pushed \$87(2)(b)
PO Wood testified that when PO Long exited the bathroom, he crossed to the opposite side of the turnstiles and told \$87(2)(0) that he had to leave the station because he was being disorderly. PO Wood followed PO Long to the other side of the turnstiles and just stood there. PO Wood did not recall if PO Long pushed \$87(2)(0) PO Wood did not remember if \$87(2)(0) but PO Wood did not know how close. \$87(2)(0) backed up toward the staircase exiting the station. PO Wood did not remember if \$87(2)(0) took any actions to indicate a refusal to leave. PO Wood was shown MTA surveillance footage of PO Long pushing \$87(2)(0) The video did not refresh PO Wood's recollection. During the ejection, PO Wood did not have any safety concerns for himself or PO Long. PO Wood did not remember if \$87(2)(0) was compliant with PO Long's command for him to leave.
Force may be used when it is reasonable to ensure the safety of a member of service or third person, or otherwise protect life, or when it reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy. Patrol Guide 221-01 (BR 14).
§ 87(2)(g)





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Squad No.:	6			
Investigator: _	Lily Kim Signature	Investigator Lily Kim Print Title & Name	2/5/2021 Date	
Squad Leader: _	Jessica Peña Signature	IM Jessica Peña Print Title & Name	11/13/2020 Date	
Reviewer:	Signature	Print Title & Name	Date	